

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

MEMORANDUM AND ORDER

06 CR 0181 (RJD)

CARMINE BAUDANZA, et al.

Defendants.

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DEARIE, District Judge.

On December 11, 2007, this Court entered judgment of conviction against defendant Joseph Baudanza and in favor of the United States of America. (J. 1, ECF No. 337). The sentence imposed as part of that judgment included an order directing defendant to pay restitution in the amount of \$106,515.50 (the “restitution obligation”). (J. 5).

Joseph Baudanza has moved the Court (ECF No. 437) to modify our Memorandum and Order of March 18, 2014 (ECF No. 436), such that his restitution obligation will also be marked satisfied, along with the joint and several restitution obligation of his co-defendant, Carmine Baudanza, upon receipt by the Court of proof that a Satisfaction of Judgment has been filed in the matter of Carmine's Dream, Inc. v. Ceasar's Bay Shopping Center, LLC, et al., Index No. 32456/2007 in Supreme Court, County of Kings. The victims support the motion. The government does not oppose the motion. (ECF No. 440). However, noting that the restitution obligation of these two defendants are set forth in separate judgments, the government suggests that the Court enter a second order separately directing the Clerk to mark restitution satisfied with respect to Joseph Baudanza, rather than modify the March 18, 2014 Memorandum and Order. The Court adopts this course: once we receive and endorse the proof that the Satisfaction

of Judgment has been filed, our previous order will operate to mark restitution satisfied solely with respect to Carmine Baudanza, and this Memorandum and Order will operate to mark restitution satisfied solely with respect to Joseph Baudanza.

Accordingly, it is hereby ordered that:

(1) Defendant Carmine Baudanza shall file proof with the Court that he has filed a Satisfaction of Judgment with the Supreme Court, County of Kings in the matter of Carmine's Dream, Inc. v. Ceasar's Bay Shopping Center, LLC, et al., Index No. 32456/2007, in accordance with the stipulated order entered in that matter by the Hon. David I. Schmidt on March 13, 2013.

(2) Upon receipt of proof that Carmine Baudanza has filed the Satisfaction of Judgment and the Court's order approving said proof, the Clerk of Court shall cancel, satisfy, and discharge the restitution obligation solely as to defendant Joseph Baudanza.

(3) The Court's separate March 18, 2014 Memorandum and Order remains in effect.

SO ORDERED.

Dated: Brooklyn, New York
April 17, 2014

/s/ Judge Raymond J. Dearie


RAYMOND J. DEARIE
United States District Judge